

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- against -

JOSE MIGUEL MELENDEZ-ROJAS,
JOSE OSVALDO MELENDEZ-ROJAS,
ROSALIO MELENDEZ-ROJAS,
FRANCISCO MELENDEZ-PEREZ and
ABEL ROMERO-MELENDEZ,

Defendants.

ROSS, United States District Judge:

The following adjustments are made to the pre-trial schedule:

- The government is requested to respond to Mr. Gold's letter proposing a jury instruction regarding the use of victim-witnesses first names by February 13, 2020. *See* ECF No. 169.
- The parties are requested to comment as quickly as possible on the court's jury charge and verdict sheet draft, but to do so no later than February 18, 2020.
- As noted at our latest status conference, the parties' voir dire submissions are due by February 18, 2020.
- The parties should provide two sets of 3500 materials to the court on a rolling basis, as they become available. The final deadline for the submission of 3500 materials is one week before trial, on February 24, 2020.
- Stipulations should be provided to the court on a rolling basis, as soon as possible.
- The parties should provide the court with two copies of marked trial exhibits on a rolling basis as soon as possible in advance of trial.

The government is requested to address the following questions and comments in its response to my draft jury charge and verdict sheet:

- The government should confirm that an instruction on “Evidence of Other Crimes” is necessary in this case, and if so, indicate what other crimes evidence it anticipates introducing at trial. *See* Feb. 10, 2020 Draft Jury Charge at 12–13.
- The government’s proposed jury charge outlines the two methods by which it can prove aiding and abetting liability. *See id.* at 17–18. The second, which makes a defendant liable if he “willfully causes an act to be done which, if directly performed by him, would be an offense against the United States,” does not appear relevant to the instant case. The parties are requested to inform the court whether this portion of the statute should remain in the jury charge.
- Under certain counts, e.g., Count Eight, the government did not include an “aiding & abetting” instruction, but referenced another count, e.g., Count Six, that did. In the interest of clarity, I reiterated the aiding & abetting charge in counts following this pattern. *See id.* at 43.
- Under Count Ten, the government did not include an “aiding and abetting” instruction. If the government intended to include such a charge, it should so advise the court in its response. *See id.* at 45.
- I request that the government tailor the first element of Count Fifteen, “Money Laundering Conspiracy,” to the type of evidence it anticipates introducing at trial (e.g., if only wire transfers will be used, the government should eliminate references to other types of irrelevant transactions). *See id.* at 49–51. Additionally, I added the elements of interstate prostitution to the second element of Count Fifteen. In this draft, I referenced “illegal sexual activity” in addition to “prostitution.” If the former is not necessary, however, the government should advise the court to eliminate that reference in its response. *See id.* at 51.
- Relatedly, Count Sixteen, “Distribution of the Proceeds of a Prostitution Business,” refers only to wire transfer services in its description of the first element. If reference to other types of “interstate or foreign facilities” is necessary, the government should advise the court in its response of the applicable references to be added. *See id.* at 54.

SO ORDERED.

_____/s/_____
Allyne R. Ross
United States District Judge

Dated: February 10, 2020
Brooklyn, New York